

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
CASHMAN DREDGING AND)	
MARINE CONTRACTING CO., LLC,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:21-cv-11398-DJC
)	
FRANK BELESIMO)	
and)	
CALLAN MARINE, LTD.,)	
)	
Defendants.)	
_____)	

**MOTION TO IMPOUND PORTIONS OF AFFIDAVIT
IN SUPPORT OF PLAINTIFF’S MOTION FOR PRELIMINARY INJUNCTION**

Pursuant to Local Rule 7.2, Plaintiff Cashman Dredging and Marine Contracting, Co., LLC (“CDMC”), hereby submits, by and through the undersigned counsel, its motion for leave to file under seal and to have impounded portions of the Affidavit of David Sun (the “Sun Affidavit”) and the exhibits thereto. In support of this Motion to Impound, Plaintiff states the following:

1. CDMC intends to file the Motion for Preliminary Injunction, in support of which CDMC intends to submit the Sun Affidavit and its attached exhibits. These materials contain confidential and commercially sensitive information that implicate CDMC’s privacy interests. The Sun Affidavit and its exhibits contain non-public information about CDMC’s computer system security measures, design projects files, and associated system data. The exhibits to and certain portions of the Sun Affidavit also contain file-level information that is specific to, and would reveal confidential details concerning, CDMC’s ongoing business strategy and projects.

2. The Sun Affidavit and its exhibits thus contain proprietary and commercially sensitive information about CDMC's security and business and strategic plans. Thus, pursuant to Local Rule 7.2, CDMC requests leave to file under seal the exhibits to and portions of the Sun Affidavit.

3. If this Motion to Impound is granted, CDMC will immediately publicly file redacted versions of the Sun Affidavit, and an unredacted copy under seal. CDMC will serve an unredacted copy on Defendants Frank Belesimo and Callan Marine Ltd. and will provide an unredacted courtesy copy to the Court simultaneously with the filing of the public redacted versions.

4. The impoundment order can be lifted by further order of the Court consistent with the procedures set out in a confidentiality agreement and stipulated protective order to be memorialized and submitted to the Court at a future date by the parties, or upon return of the materials to the parties at the close of the case.

WHEREFORE, CDMC respectfully requests leave to file portions of the supporting Sun Affidavit and its attached exhibits under seal.

Dated: August 30, 2021

Respectfully submitted,

CASHMAN DREDGING AND
MARINE CONTRACTING, CO., LLC,

By its counsel,

/s/ Jeffrey E. Francis

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LOCAL RULE 7.1(A)(2) CERTIFICATION

I, Jeffrey E. Francis, counsel for Plaintiff Cashman Dredging and Marine Contracting, Co., LLC hereby certify that on August 25, 2021, I sent two letters by FedEx Priority Overnight to the President and CEO of Defendant Callan Marine Ltd. enclosing the pleadings in this matter and asking for the identity of Defendants' counsel so that counsel could confer in good faith. Having received no reply, the parties have been unable to resolve or narrow the issues.

By: /s/ Jeffrey E. Francis
Jeffrey E. Francis (BBO No. 639944)

CERTIFICATE OF SERVICE

I hereby certify that on this date, August 30, 2021, this document was filed through the ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

By: /s/ Jeffrey E. Francis
Jeffrey E. Francis (BBO No. 639944)